(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.1218 of 2006
In
Appeal From Order No.875 of 2006
In
Notice of Motion No. of 2006
In
L.C.Suit No.5427 of 2006

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri A.M.Saraogi for the appellant/Org.Plaintiff.

Ms Kiran Bagalia for the respondent No.1.

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CORAM: R.M.S.KHANDEPARKAR, J

DATED: 22nd DECEMBER, 2006.

P.C.

1. Taken on board on request.

2. The learned advocate for the appellant states that inspite of the repeated requests, the appellant has not been furnished with the copies of the documents which are listed in the letter dated 16th December, 2006 issued by the Assistant Municipal Commissioner addressed to the Executive Engineer, MMRDA, Mumbai.

The learned advocate for the respondent No.1 states that whatever documents are in possession of the respondent No.1 in that regard, copies thereof will be made available to the appellant by tomorrow i.e. 23rd December, 2006. As regards the Item No.3 in the letter said dated 16th December, 2006, question of the respondent No.1 giving any document in that regard to the appellant does not arise. The learned advocate for the appellant states that on such copies of the documents being made available, the appellant herself will volunteer the demolition of the construction on 26th December, 2006. While accepting the said statement, in case the appellant fails to volunteer the demolition of the construction which is coming within the range of work of road widening and construction of S.V.Road, the respondent No.1 shall be free to demolish the same, on or after 27th December, 2006. The application accordingly stands disposed of.

2. The Appeal from Order to be listed on 16th January, 2007.

(R.M.S.Khandeparkar, J)